IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.4296 of 2006

Date of Decision: October 12, 2007

Amit Kumar Sharma .....Petitioner

Versus

Oriental Ins.Co.Ltd. And another .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Sanjay Mittal, Advocate for the petitioner.

Mr.Mrigank Sharma, Advocate for the respondents.

S. D. ANAND, J.

1. The petitioner originally filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act"). During the pendency thereof, he filed a plea for being allowed to convert it into a petition under Section 163-A of the Act. That plea was negatived by the learned Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as "the Tribunal") by placing reliance upon a judgment rendered by the Apex Court in **Deepal Girishbhai Soni and others Vs. United India Insurance Co.Ltd**. **Baroda**, 2004 ACJ 934 (SC).

2. The claimant-petitioner is in revision.

3. In support of the plea that the requested conversion is in order, reliance was placed upon a judgment rendered by a Single Judge of this Court reported as **Ravinder and another Versus Subhash Chand and others,** Vol.CXLIII - (2006-2) PLR 108.

4. The resistance offered by the respondent is based upon the judicial pronouncements relied upon by the learned Tribunal.

5. The judgment rendered by the Apex Court in **Deepal Girishbhai Soni's** case (supra) had been duly noticed and distinguished by the learned Single Judge of this Court in **Ravinder and another's** case (supra).

6. The impugned order is not in accord with the law laid down by this Court in **Ravinder and another's** case (supra). The facts and circumstances involved in **Deepal Girishbhai Soni's** case (supra) are not applicable to the case before this Court. The petition shall stand allowed. The impugned order shall stand set aside. The learned Tribunal shall proceed to dispose of the matter in accordance with law.

(S. D. ANAND)
JUDGE

October 12, 2007
SRM

Note: Whether referred to reporter ? Yes/No